

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

#6

In re Application of: )  
 )  
 James Hill, et al )  
 )  
 International )  
 Application No. PCT/GB2003/003747 )  
 )  
 International )  
 Filing Date: 29 August 2003 (29.08.2003)) )  
 )  
 U.S. Serial No. 10/525,057 )  
 )  
 U.S. Filing Date: 18 February 2005 (18.02.2005) )  
 )  
 For: VACCINE AGAINST YERSINIA )  
 COMPRISING ONE OR TWO ANTI- )  
 BODIES, ONE SPECIFIC FOR )  
 YERSINIA PESTIS F1-ANTIGEN )  
 AND THE OTHER ONE FOR )  
 YERSINIA PESTIS V-ANTIGEN )

Mail Stop PCT  
 Commissioner of Patents  
 P. O. Box 1450  
 Alexandria, Virginia 22313-1450

Attorney Docket No. 41577/312173  
 Date: 9/14/05

**Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the  
 United States Designated/Elected Office (DO/EO/US)**

In response to the Notification of Missing Requirements, applicants submit the  
 following remarks.

**Remarks** appear on page 2 of this paper.

**REMARKS**

In response to the Notification of Missing Requirements under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on August 5, 2005, requesting Applicants provide a Sequence Listing pursuant 37 CFR. 1.821 – 1.825, Applicants contend that 37 CFR. 1.821 requires submission of a Sequence Listing in applications which contain an amino acid sequence of four or more amino acids or an unbranched chain of ten or more nucleotides. There are no sequences comprising four or more amino acid or ten or more nucleotides specifically disclosed in this application. As such, Applicants respectfully submit no sequence listing is required. However, should the Examiner require a sequence listing, Applicants request identification of the sequence required.

Respectfully submitted,



Dean W. Russell  
Reg. No. 33,452

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
Telephone: (404) 815-6528  
Our Docket: 41577/312173

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 41577/312173
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/525,057
INTERNATIONAL APPLICATION NO. PCT/GB2003/003747	INTERNATIONAL FILING DATE 29 August 2003 (29.09.03)	PRIORITY DATE CLAIMED 31 August 2002 (31.08.03)
TITLE OF INVENTION VACCINE AGAINST YERSINIA COMPRISING ONE OR TWO ANTIBODIES, ONE SPECIFIC FOR <i>YERSINIA PESTIS</i> F1-ANTIGEN AND THE OTHER ONE FOR <i>YERSINIA PESTIS</i> V-ANTIGEN		
APPLICANT(S) FOR DO/EO/US HILL, James; WILLIAMSON, Ethel Diane; TITBALL, Richard William		
Applicant herewith submits to the United States Designated/Elected (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 37(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information:		
a. Certification Under 37 CFR 1.10 I hereby certify that this document is being mailed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 via "Express Mail Post Office to Addressee" on this 14th day of September 2005, Express Mail Label No. EV736491521US <i>Angela M. Rossi</i>		
b. Response to Notification of Missing Requirements		
c. Notice of Missing Requirements		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/525,057		INTERNATIONAL APPLICATION NO. PCT/GB2003/003747		ATTORNEY'S DOCKET NUMBER 41577/312173	
21. The following fees are submitted:					
<input type="checkbox"/> a) Basic national fee .....				\$300.00	\$0.00
<input type="checkbox"/> b) Examination fee .....				\$200.00	\$0.00
<input type="checkbox"/> c) Search fee .....				\$500.00	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b> .....				\$1000.00	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
- 100 =	/50 =			x \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$previously paid
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		\$
Total claims	16- 20 =	00	x	\$50.00	\$0.00
Independent claims	02- 3 =	00	x	\$200.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$360.00	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>					\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$
<b>SUBTOTAL =</b>					\$0.00
Processing fees of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$0.00
<b>TOTAL NATIONAL FEE =</b>					\$0.00
Fee for recording the enclosed assignment (37 CFR 11.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property					\$40.00
<b>TOTAL FEES ENCLOSED =</b>					\$0.00
					Amount to be refunded
					\$
					Amount to be charged
					\$40.00
<p>a. <input type="checkbox"/> A check in the amount of \$0.00 _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments to Deposit to Account No. <u>11-0855</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revise (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:					
<p>Customer Number 23370          John S. Pratt, Esq.          KILPATRICK STOCKTON LLP          Suite 2800          1100 Peachtree Street          Atlanta, Georgia 30309-4530          404.815.6500</p>					
					SIGNATURE
					Dean W. Russell
					NAME
					33.452
					REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2  
14 SEP 2005UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,057	James Hill	41577/312173

23370  
JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309RECEIVED  
AUG 12 2005  
DOCKETING

INTERNATIONAL APPLICATION NO.	
PCT/GB03/03747	
IA. FILING DATE	PRIORITY DATE
08/29/2003	08/31/2002

CONFIRMATION NO. 5838  
371 FORMALITIES LETTER

\*OC000000016705133\*

Date Mailed: 08/05/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/18/2005
- Copy of the International Search Report filed on 02/18/2005
- Copy of IPE Report filed on 02/18/2005
- Copy of Annexes to the IPER filed on 02/18/2005
- Preliminary Amendments filed on 02/18/2005
- Information Disclosure Statements filed on 07/19/2005
- Oath or Declaration filed on 02/18/2005
- U.S. Basic National Fees filed on 02/18/2005
- Priority Documents filed on 02/18/2005
- Power of Attorney filed on 02/18/2005
- Specification filed on 02/18/2005
- Claims filed on 02/18/2005
- Abstracts filed on 02/18/2005

KS Docketing

Docketed for:  
Entered on: 8/23/05  
Initials: WU  
Previously Entered: \_\_\_\_\_The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and

a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,057	PCT/GB03/03747	41577/312173